

## UNITED STATES COURT OF APPEALS

APR 28 2009

## FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

STEVEN ANTHONY CLEMENS,

Petitioner - Appellant,

v.

SHASTA COUNTY SHERIFF; et al.,

Respondents - Appellees.

No. 09-15408

D.C. No. 2:03-cv-01006-LKK  
Eastern District of California,  
Sacramento

ORDER

Before: WALLACE, LEAVY and BEA, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the January 5, 2009 notice of appeal was not filed or delivered to prison officials within 30 days from entry of the September 29, 2006 judgment. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional). Consequently, this appeal is dismissed for lack of jurisdiction.

The pending motion is denied as moot.